



FRA Guide for Preparing Accident/Incident Reports

**U.S. Department of Transportation
Federal Railroad Administration**

Office of Safety

DOT/FRA/RRS-22

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EXHIBIT 3

CHAPTER 1

Overview of Railroad Accident/Incident Reporting and Recordkeeping Requirements

A. GENERAL

The Federal Railroad Administration's (FRA) regulations on reporting railroad accidents/incidents are found primarily in Title 49 of the Code of Federal Regulations (CFR), Part 225 (49 CFR Part 225).

Purpose. The purpose of the regulations in Part 225 is to provide FRA with accurate information concerning the hazards and risks that exist on the Nation's railroads. See 49 CFR § 225.1.¹ FRA needs this information to effectively carry out its regulatory and enforcement responsibilities under the Federal railroad safety statutes.² FRA also uses this information for determining comparative trends of railroad safety and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents. Issuance of these regulations preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of reports filed with FRA under Part 225 for accidents/incidents that occur in that State.

Applicability. Except as discussed under the heading "Partial relief to certain small railroads," these FRA accident/incident reporting requirements apply to all railroads except--

1. A railroad that operates freight trains only on track inside an installation which is not part of the general railroad system of transportation or that owns no track except for track that is inside an installation that is not part of the general railroad system of transportation and used for freight operations.
2. Rail mass transit operations in an urban area that are not connected with the general railroad system of transportation.
3. A railroad that exclusively hauls passengers inside an installation that is insular or that owns no track except for track used exclusively for the hauling of passengers inside an installation that is insular. An operation is not considered insular if one or more of the following exists on its line:

¹ For brevity, further references in the Guide to sections in 49 CFR Part 225 will omit "49 CFR" and include only the section, e.g., § 225.9.

² Title 49, United States Code (U.S.C.) Chapters 51, 201-213.

Accident/Incident Reporting and Recordkeeping Requirements - Continued

If your railroad is subject to Part 225 at all and falls in either of the above categories, then you need not adopt and comply with components 3 through 11 of the Internal Control Plan requirements in § 225.33. See § 225.33(a)(3)-(11). However, you must fulfill the requirements of components 1 and 2, which require a stated policy dealing with harassment and intimidation. See § 225.33(a)(1)-(2). To assist railroads in developing this policy, FRA has provided suggested language, found in Appendix I to this Guide, that may be used.

A railroad in either of these two categories is also exempted from the requirements in § 225.25(a)-(i) to record accountable injuries and illnesses and accountable rail equipment accidents. (See Chapter 2 for definition of “accountable events.”) You must, however, maintain a Railroad Employee Injury and/or Illness Record of any reportable condition of one of your employees. (See Chapter 4.)

Additionally, a railroad that is generally subject to Part 225 but that operates exclusively off the general system (including off-the-general-system museum and tourist railroads) is not required to report or record an injury or illness of any person that results from a “non-train incident,” unless the non-train incident involves in-service railroad equipment. See definition of “non-train incident” in Chapter 2. Railroads that are subject to Part 225 in the first place and that operate exclusively off the general system must, however, continue to comply with Part 225 requirements regarding reporting and recording injuries and illnesses incurred by any person that result from a “train accident,” “train incident,” or a small subset of “non-train incidents” that involve railroad equipment in operation but not moving.

Example 1: A visitor to, or an employee of, a non-insular, off-the-general-system museum railroad falls off a railroad car that is on fixed display in the museum building and breaks his or her ankle. This injury is classified as an injury from a “non-train incident” with equipment not in railroad service and would, therefore, not be reported to FRA.

Example 2: A volunteer, while collecting tickets on a railroad car for an excursion ride on a non-insular, off-the-general-system tourist railroad, cuts his or her leg. This injury requires stitches even though the car is not moving. This injury is classified as an injury from a “non-train incident” with equipment that is in railroad service and would, therefore, be reported to FRA.

Major reporting and recordkeeping requirements under Part 225. There are many recordkeeping and reporting requirements arising from Part 225. A more complete discussion of all requirements can be found later in this chapter.

Recordkeeping is a critical part of railroad’s safety and health efforts for several reasons:

DEFINITIONS - Continued

Accountable rail equipment accident/incident means any event not otherwise reportable, involving the operation of on-track equipment that causes physical damage to either the on-track equipment or the track upon which such equipment was operated and that requires the removal or repair of rail equipment from the track before any rail operations over the track can continue. An accountable rail equipment accident/incident, if not tended to, thus would disrupt railroad service. Examples of "disruption of service" would include: loss of main track; one or more derailed wheels; any train failing to arrive or depart at its scheduled time; one or more cars or locomotives taken out of service; or rerouting trains due to a damaged car or locomotive. For purposes of recording accountable events, the "disruption of service" must be a consequence of an event, e.g., collision or derailment.

Arising from the operation of a railroad includes all activities of a railroad that are related to the performance of its rail transportation business.

Casualty. A reportable death, injury, or illness arising from the operation of a railroad. Casualties may be classified as either fatal or nonfatal.

Fatality. An event resulting in death of one or more persons. If death occurs subsequent to the filing of the monthly report, then the injury or illness must be reclassified as fatal. See § 225.13.

Injury. Harm to a person resulting from a single event, activity, occurrence, or exposure of short duration.

Occupational illness. Any abnormal condition or disorder, as diagnosed by a physician or other licensed health care professional, of any person who falls under the definition for the classification of Worker on Duty--Employee, other than one resulting from injury, discernably caused by an environmental factor associated with the person's railroad employment, including, but not limited to, acute or chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact.

The term **event** includes occurrences which can be identified in terms of a specific time and those of a continuing or intermittent nature which can be identified only in terms of a probable time or activity.

Classification of Persons.

DEFINITIONS - Continued

minimum of one calendar day” is intended to give a railroad the discretion to report up to the total number of days recommended by the PLHCP.

Derailment. A derailment occurs when on-track equipment leaves the rail for a reason other than a collision, explosion, highway-rail crossing impact, etc.

Drug/Alcohol Test. A test is a physical or chemical reaction by which a substance may be detected or its properties ascertained, and includes both Federal and employer-authorized tests to determine alcohol or drug usage. A test performed under Federal (FRA) requirements is considered positive when the test result has been verified as positive by a Medical Review Officer and reported to the employer. A test performed under other authorization is considered positive when the employer will defend the results if legally challenged. (Refer to 49 CFR Part 219, Control of Alcohol and Drug Use, for additional information.)

Employee human factor includes any of the accident causes signified by the train accident cause codes listed under "Train Operation--Human Factors" in the current "FRA Guide for Preparing Accidents/Incidents Reports," except for those train accident cause codes pertaining to non-railroad workers. For purposes of this definition, "employee" includes the classifications of Worker on Duty--Employee, Employee not on Duty, Worker on Duty--Contractor, and Worker on Duty--Volunteer.

Establishment means a single physical location where employees report to work, where railroad business is conducted, or where services or operations are performed. Examples are: a division office, general office, repair or maintenance facility, major switching yard or terminal. For employees who are engaged in dispersed operations, such as signal or track maintenance employees, an "establishment" is typically a location where work assignments are initially made and oversight responsibility exists, e.g., the establishment where the signal supervisor or roadmaster is located.

First aid treatment means treatment limited to simple procedures used to treat minor conditions, such as abrasions, cuts, bruises, and splinters. First aid treatment is typically confined to a single treatment and does not require special skills or procedures.

FRA representative means the Associate Administrator for Safety, FRA; the Associate Administrator's delegate (including a qualified State inspector acting under 49 CFR Part 212); the Chief Counsel, FRA; or the Chief Counsel's delegate.

Hazardous Material. A substance or material, including a hazardous substance, which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to

DEFINITIONS - Continued

health, safety, and property when transported in commerce, and which has been so designated; see 49 CFR. 171.8..

Hazardous Material Residue. The hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors.

Additional guidance concerning Federal requirements as to the identification and shipment of hazardous material can be found in 49 CFR Parts 100 to 180.

Highway-rail grade crossing means a location where a public highway, road, street, or private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks at grade.

Joint operations means rail operations conducted on a track used jointly or in common by two or more railroads subject to this part or operation of a train, locomotive, car, or other on-track equipment by one railroad over the track of another railroad.

Medical treatment includes any medical care or treatment beyond "first aid" regardless of who provides such treatment. Medical treatment does not include diagnostic procedures, such as X-rays and drawing blood samples. Medical treatment also does not include preventive emotional trauma counseling provided by the railroad's employee counseling and assistance officer **unless** the participating worker has been diagnosed as having a mental disorder that was significantly caused or aggravated by an accident/incident and this condition requires a regimen of treatment to correct. (See question and answer 50 in Chapter 6 for additional guidance.)

Miles Traveled.

Passenger-mile. The movement of a passenger for a distance of one mile.

Train-mile. The movement of a train for a distance of one mile. Mileage is not to be increased because of the presence of multiple locomotives in the train. (See definition of "train".)

Yard Switching Train-Mile. May be computed at the rate of 6 mph for the time actually engaged in yard switching service (or any other method that will yield a more accurate count) if actual mileage is not known.

FORM FRA 6180.55a - Continued

treated for dehydration or some other condition that requires a saline IV, then simply receiving a saline IV as a precautionary measure is considered to be first aid.

The use of casts, splints, or orthopedic devices designed to immobilize an injured body part to permit it to rest and recover is considered medical treatment. The use of temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards) is precautionary in nature, and their use is to avoid exacerbation of a condition that may or may not exist. In these specific situations, a splint or other device is used as temporary first aid treatment, may be applied by non-licensed personnel using common materials at hand, and often does not reflect the severity of the injury. If following an examination it is determined that continued use of the immobilization device is warranted, then the case is reportable.

Q61. Item (n) on the first aid list is "drinking non-prescription fluids for relief of heat-related conditions." Does this include administering intravenous (IV) fluids?

A61. No. Intravenous administration of fluids to treat work-related heat-related conditions is medical treatment.

Q62. What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation?

A62. If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must report the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation; the fact that there was a recommendation triggers the duty to report.

Q63. Is every work-related injury or illness case involving a loss of consciousness reportable?

A63. Yes. You must report a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remained unconscious.

Q64. What is a "significant" diagnosed injury or illness that is reportable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness?